

IN RE: PETITION FOR ZONING VARIANCE
88/Corner of Bear Creek Drive,
W/S of Park Drive
(9327 Bear Creek Drive)
12th Election District
7th Councilmanic District
Richard D. Lentz, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-535-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an existing accessory building (carport) outside the one-third of the lot farthest removed from any street and a side yard setback of 1 foot in lieu of the required minimum of 2.5 feet for said building, in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 8327 Bear Creek Drive, consists of .10 acres zoned D.R. 5.5 and is improved with a single family dwelling and separate carport, which is the subject of this matter. Petitioners have resided on the property for the past four years. Testimony indicated that the parking pad, as depicted in pictures presented by Petitioners, existed in its present location at the time they purchased the property. Shortly thereafter, Petitioners installed a roof with supporting poles over the parking pad to provide protection and shade for their vehicles. The carport remains open on all four sides. Petitioners previously requested a variance in Case No. 89-119-A to locate an accessory building (shed) in the side yard abutting the carport as set forth in Petitioner's Exhibit 1. Said request was denied due to the location of the shed causing visual interference for the adjoining neighbor and the

fact that there were actually two accessory structures in place on the property in lieu of the one being requested. An inspection of the property revealed Petitioners have since removed one accessory structure and relocated the other permitted structure in conformance with the zoning regulations. However, the carport is in violation of the zoning regulations and Petitioners were advised to file the instant Petition for Zoning Variance requesting permission to allow the carport to remain. Petitioners contend the carport is necessary to protect their vehicles from inclement weather. Petitioners further contend that the granting of the variance will not result in any detriment to the health, safety or general welfare of the community inasmuch as the only complaint was the adjoining neighbor who objected to the accessory structures (sheds) abutting the carport as it infringed upon their visibility of the street. Testimony presented by Petitioners was that the open carport does not create the same type of visibility problem as the sheds did.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Area of Baltimore County; that to deny the relief requested would result in practical difficulty

unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of July, 1989 that the Petition for Zoning Variance to permit an existing accessory building (carport) outside the one-third of the lot farthest removed from any street and a side yard setback of 1 foot in lieu of the required minimum of 2.5 feet for said building in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The carport shall remain open on all four sides and as depicted in Petitioner's Exhibits 2B and 2C.
- 3) Petitioners shall insure that all stormwater runoff from the carport is directed away from the adjoining property; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated June 26, 1989, attached hereto and made a part hereof.

AMN:bjs

ANN M. NASTAGNICH
Deputy Zoning Commissioner
for Baltimore County

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner
DATE: June 26, 1989

FROM: Mr. Robert W. Sheasley
SUBJECT: Petition for Zoning Variance - Item 429
Lentz Property
Chesapeake Bay Critical Area Findings
Case 89-535-A

RECEIVED
JUL 19 1989
ZONING OFFICE

SITE LOCATION

The subject property is located at 8327 Bear Creek Drive. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area.

APPLICANT PROPOSAL

The applicant has requested a variance from section 400.1 of the Baltimore County Zoning Regulations to allow an accessory building (carport) outside of the third of the lot farthest removed from any street and a side yard setback of 1 foot in lieu of the minimum 2.5 feet for the accessory building.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<<MMAR 14:15:10.01. >>

Memo to J. Robert Haines
June 26, 1989
Page 3

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project shall be approved.

Robert W. Sheasley, Director
Department of Environmental Protection
and Resource Management

RWS:DCP;ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman R. Lauenstein
The Honorable Dale T. Vois

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-5653
J. Robert Haines
Zoning Commissioner

July 26, 1989



Mr. & Mrs. Richard D. Lentz
8327 Bear Creek Drive
Baltimore, Maryland 21222

RE: PETITION FOR ZONING VARIANCE
88/Corner of Bear Creek Drive, W/S of Park Drive
(9327 Bear Creek Drive)
12th Election District - 7th Councilmanic District
Richard Dale Lentz, et ux - Petitioners
Case No. 89-535-A

Dear Mr. & Mrs. Lentz:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this order. For further information on filing an appeal, please contact Mr. Charlotte Hadcliffe at 887-3391.

Very truly yours,

ANN M. NASTAGNICH
Deputy Zoning Commissioner
for Baltimore County

JRN:bjs

cc: People's Counsel

File
Chesapeake Bay Critical Areas Commission
Towson State Office Building, Rm. 214, Annapolis, Md. 21404
REFRM

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-535-7 CRITICAL AREA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 100.1 of the Zoning Ordinance to allow an accessory building to be located outside of the third of the lot farthest removed from any street and...

Property is to be posted and advertised as prescribed by Zoning Regulations.

1. or we agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: Richard Dale Lentz (Type or Print Name) Signature: [Signature] Address: 8327 Bear Creek Drive, Dundalk, Maryland 21222

Legal Owner(s): Richard Dale Lentz (Type or Print Name) Signature: [Signature] Address: 8327 Bear Creek Drive, Dundalk, Maryland 21222

Attest: J. Robert Haines, Zoning Commissioner of Baltimore County

CRITICAL AREA

HARDSHIP OR PRACTICAL DIFFICULTY

WE ARE ASKING A SPECIAL EXCEPTION SO WE CAN LEAVE THIS STRUCTURE WHERE IT NOW SETS.

WE NEED THE CAR PORT BECAUSE THERE IS NO PARKING ON THE STREET. THE FEW TIMES VEHICLES WERE LEFT PARKED ON THE STREET THEY WERE DAMAGED BY PASSING VEHICLES. WE HAVE ALSO BEEN ASKED BY THE LOCAL FIRE DEPARTMENT NOT TO PARK ON THE STREET, BECAUSE IT MAKES IT DIFFICULT TO MANUEVER THE LARGE FIRE TRUCKS UP AND DOWN THE STREET, IN CASE OF A FIRE. WE ALSO NEED THIS CAR PORT TO HELP PROTECT TWO LATE MODEL VEHICLES FROM INCLEMENT WEATHER. THESE VEHICLES COST IN EXCESS OF THIRTY THREE THOUSAND DOLLARS. THIS CAR PORT WILL HELP TO PROLONG THE LIFE OF THESE VEHICLES.

Sincerely,
Richard Dale Lentz

MR. RICHARD D. & MRS. REGINA M. LENTZ
PROPERTY DESCRIPTION FOR ZONING VARIANCE
LOT SIZE 23.34 FT. X 112.36 FT. X 44.89 FT.
DISTRICT 12
SUBDIVISION ROSWOLD BEACH
LOT PART OF 842-443-444-445

Beginning for the same at the corner formed by the intersection of the northwesternmost line of Park Drive with the southwesternmost line of Bear Creek Drive as shown on the Plat of Roswold Beach, recorded among the Plat Records of Baltimore County, Maryland, in Plat Book L.M.C. No. 10, Folio 88, and running thence thence binding along said southwesternmost line of said lot No. 445 South 46 degrees 44 minutes West 21.34 feet to a point in line with the center of the partition wall erected between the house on the lot now being described and the house on the lot 57 minutes 30 seconds West to and through the center of said partition wall and continuing the same course in all 112.36 feet to the aforesaid plat, thence binding along part of degrees 32 minutes East 44.89 feet to a point on the southwesternmost line of Park Drive, thence 43 degrees 20 minutes East 50 feet and 62.94 feet along the arc of a curve to the left having a radius of 132.58 feet to the point of beginning. The improvements thereon being known as 8327 Bear Creek Drive.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1276 Date of Posting: 6/11/89
Posted for: 10 days
Petitioner: Richard Dale Lentz
Location of property: 8327 Bear Creek Drive, Dundalk, Maryland 21222
Location of Sign: 8327 Bear Creek Drive, Dundalk, Maryland 21222
Remarks: [Blank]
Posted by: [Signature] Date of return: 6/21/89
Number of Signs: 1

CERTIFICATE OF PUBLICATION
TOWSON, MD., June 6, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 2, 1989.

THE JEFFERSONIAN,
S. Zake Olson
Publisher

CERTIFICATE OF PUBLICATION
OFFICE OF Dundalk Eagle

4 N. Conter Place
P.O. Box 8936
Dundalk, Md. 21222

June 8, 1989

THIS IS TO CERTIFY, that the annexed advertisement of Robert Haines in the matter of Zoning Regs. Case 89-535-A - P.O. #12655 - Reg. #M50933 - 80 Lines was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 9th day of June 1989; that is to say, the same was inserted in the issues of June 8, 1989

Kimble Publication, Inc.
per Publisher.
By [Signature]

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(410) 887-3333

Mr. Richard Dale Lentz
8327 Bear Creek Drive
Dundalk, Maryland 21222

Re: Petition for Zoning Variance
CASE NUMBER: 89-535-A
Corner of S/S of Bear Creek Drive and W/S of Park Drive
8327 Bear Creek Lane
12th Election District - 7th Councilmanic

Please be advised that \$96.37 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.
DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 111, Towson, Maryland (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$25.00 added to the above amount for each such set not returned.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

3611255
* OUTSTANDING BILLING OF 6/19/89

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(410) 887-3333

Mr. Richard Dale Lentz
8327 Bear Creek Drive
Dundalk, Maryland 21222

Re: Petition for Zoning Variance
CASE NUMBER: 89-535-A
Corner of S/S of Bear Creek Drive and W/S of Park Drive
8327 Bear Creek Drive
12th Election District - 7th Councilmanic
Petitioner(s): Richard Dale Lentz
HEARING SCHEDULED WEDNESDAY, JULY 5, 1989 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$96.37 is due for advertising and posting of the above referenced property. All fees must be paid prior to the hearing, in full, unless the sign and post set(s) is returned by the time it is posted by this office until the day of the hearing.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign and post set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign & post set(s), there will be an additional \$25.00 added to the above fee for each such set not returned.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
484.3333

J. Robert Haines
Zoning Commissioner

May 24, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-535-A
Corner of S/S of Bear Creek Drive and W/S of Park Drive
8327 Bear Creek Drive
12th Election District - 7th Councilmanic
Petitioner(s): Richard Dale Lentz
HEARING SCHEDULED WEDNESDAY, JULY 5, 1989 at 2:00 p.m.

Variation to permit an accessory building (carport) outside of the third of the lot farthest removed from any street and a side yard setback of 1 foot in lieu of the minimum 2 1/2 feet for the accessory building.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
Zoning Commissioner of Baltimore County

cc: Richard Dale Lentz
File

